



आरत का राजपत्र

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EXTRAORDINARY

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PART II—Section 1

प्रांधिकार से प्रकाशित

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No. १२]

NEW DELHI, SATURDAY, MARCH 29, 1975/CHAITRA 8, 1897

इस भाग में अलग पृष्ठ संलग्न की जाती है जिससे इक पह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 29th March, 1975/Chaitra 8, 1897 (Saka)

The following President's Act is hereby published for general information:—

THE GUJARAT PANCHAYATS (AMENDMENT) ACT, 1975
No. I OF 1975

Enacted by the President in the Twenty-sixth Year of the Republic of India.

An Act further to amend the Gujarat Panchayats Act, 1961.

In exercise of the powers conferred by section 3 of the Gujarat State 11 of 1974. Legislature (Delegation of Powers) Act, 1974, the President is pleased to enact as follows:—

1. This Act may be called the Gujarat Panchayats (Amendment) Act, 1975. Short title.

Gujarat Act VI of 1962. 2. In the Gujarat Panchayats Act, 1961, after section 303A, the following sections shall be inserted, namely:—

Insertion of new sections 303B and 303C.

“303B. (1) Notwithstanding anything contained in this Act or the rules or by-laws made thereunder, if, in respect of any panchayat, the State Government is satisfied, at any time before or after the date on which it is or has become liable to be reconstituted on account of the expiry of its term or otherwise, that it is not possible to hold elections for the reconstitution of that panchayat, by reason

Power of State Government to appoint officer to exercise

and perform the powers and duties of panchayat when elections could not be held for reconstituting it.

of any of the matters connected with the holding of election of members set out in sections 20 and 21 or elsewhere in this Act or any rules made thereunder not having been completed and not being likely to be completed within a reasonable period, the State Government may, by notification in the Official Gazette, make a declaration to that effect.

(2) A notification issued under sub-section (1) in relation to any panchayat shall remain in force for such period, not exceeding six months, as may be specified therein:

Provided that if the State Government is of the opinion that it is necessary so to do, it may, by order and for reasons to be mentioned therein, extend, from time to time, the period so specified; so however that the notification shall not in any case remain in force for more than one year in the aggregate.

(3) On the issue of a notification under sub-section (1) in relation to any panchayat, with effect from such date (not being earlier than the date on which the panchayat is or has become liable to be reconstituted) as the State Government may, by order, specify and so long as that notification remains in force, all the powers and duties of the panchayat shall be exercised and performed by such officer of the State Government as may be specified in the said order.

(4) The State Government shall, before the expiry of the period specified in the notification issued under sub-section (1) or extended under the proviso to sub-section (2), as the case may be, take steps for the purpose of reconstituting the panchayat in the manner provided in this Act.

Power of State Government to empower officer to exercise and perform the powers and duties of Sarpanch, etc., in certain cases.

303C. Where a notification has been issued under sub-section (1) of section 303A or sub-section (1) of section 303B in relation to any panchayat, the State Government may, notwithstanding anything contained in this Act or the rules or by-laws made thereunder, by order, empower such officer of the State Government as it may think fit, to exercise and perform, all the powers and duties conferred or imposed on a Sarpanch, Chairman or, as the case may be, President or any Committee of that panchayat under this Act and upon the issue of such order the Sarpanch, Chairman or, as the case may be, President shall cease to carry on the current duties of his office.”.

FAKHRUDDIN ALI AHMED,
President.

K. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the enactment

There is at present no provision in the Gujarat Panchayats Act, 1961 under which it would be possible to carry on the administration of a panchayat after it has become liable to be reconstituted on the expiry of its term or otherwise, but, by reason of the matters connected with the holding of elections set out in sections 20 and 21 or elsewhere in the said Act not having been completed and not being likely to be completed within a reasonable period, it is not possible to reconstitute the panchayat by holding elections thereto. In the absence of any such provision in the Act, the administration of the affairs of a panchayat faced with such a situation will obviously come to a standstill to the detriment of public interest. Therefore, in order to overcome this difficulty during the interregnum preceding the reconstitution of the concerned panchayat, it is considered necessary to make suitable provisions in the Act to enable the State Government to carry on the administration of the panchayat through its officer or officers specially specified for the purpose. Sections 303B and 303C proposed to be inserted in the Act by this measure seek to achieve this object.

2. The Consultative Committee, constituted under the proviso to subsection (2) of section 3 of the Gujarat State Legislature (Delegation of Powers) Act, 1974 has been consulted before the enactment of this measure as a President's Act.

M. A. QURAISHI,
Secy. to the Govt. of India,
Ministry of Agriculture and Irrigation
(Department of Rural Development.)

